



THE CITY OF NEW YORK
LAW DEPARTMENT

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August 31, 2020

VIA ECF


Honorable Lewis J. Liman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

MEMORANDUM ENDORSED. IT IS ORDERED that this case is STAYED until December 3, 2020. IT IS FURTHER ORDERED that Defendant shall file a letter no later than December 3, 2020 informing the Court of the status of this case and of the status of Plaintiff's underlying criminal action. The Clerk of Court is respectfully directed to stay the case until December 3, 2020.

The Plaintiff is further informed that the status of the Complaint has been changed from "restricted" to "unrestricted" pursuant to Plaintiff's request at Dkt. No. 20. Exhibit 1 to the Complaint remains "restricted," as it appears to contain date of birth information of non-parties to the case. A copy of this Order will be mailed to the Plaintiff by the Court's Chambers. SO ORDERED. 9/9/2020.

Re: Michael Nieves v. Phillip Meagher, et al.
20-CV- 0990 (LJL)

SO ORDERED.


LEWIS J. LIMAN
United States District Judge

Your Honor:

I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to the above-referenced case. It is in that capacity that I write to provide a status update to the Court, and to respectfully request that the stay issued in this matter on June 3, 2020, continue until December 3, 2020, without prejudice to renewing the stay application if Plaintiff's criminal case is not resolved by that date.

On June 3, 2020, and then again on July 23, 2020, Your Honor granted a stay in this case pending resolution of Plaintiff's underlying criminal proceeding and ordered the undersigned to "file a status letter on or before September 3, 2020 advising the Court as to the status of both Plaintiff's criminal case and the instant action." (See Docket Entry Nos. 18 and 19).

Regarding the status of the instant matter, there has been correspondence between the undersigned and Plaintiff regarding possible resolution of the matter. The undersigned reached out to Plaintiff to request a demand, in order to evaluate whether a settlement agreement could be reached. Plaintiff responded with a seven-figure demand. Therefore, at this time the parties have not reached an agreement to resolve this matter.

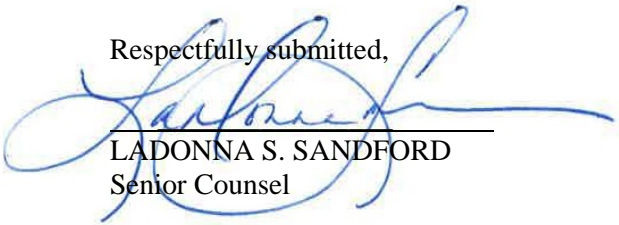
Regarding the status of Plaintiff's criminal case, on August 27, 2020, the undersigned conducted a search of the New York State Unified Court System's eCourts: WebCriminal service. According to that service, the underlying criminal proceeding is still ongoing. Upon information and belief, Plaintiff's next appearance is scheduled for October 13, 2020, in front of Judge C. Farber, Part 81 of New York Supreme Court, Criminal Term.

In a voicemail message received from Plaintiff on July 9, 2020, he indicated that he submitted an objection to the stay of the proceeding. However, the undersigned has not received a copy of the letter describing Plaintiff's objection to the stay. On August 21, 2020, the undersigned sent a letter to Plaintiff at Bellevue Hospital Prison Ward asking whether he would consent to a continuance of the stay; and requested that he advise the undersigned by no later than August 28, 2020. To date, no response to the inquiry was received.

Notwithstanding, the undersigned renews the arguments of the initial application to stay this matter. Specifically, a continued stay of this matter pending Plaintiff criminal prosecution is warranted because there is an overlap of issues in the criminal case and the instant matter. Furthermore, a continued stay of this matter will avoid the needless complications likely to be caused by Plaintiff asserting his Fifth Amendment rights in response to deposition questions; and will serve the interests of judicial economy, and will not harm the public interest.

Accordingly, it is respectfully requested that the stay issued in this matter on June 3, 2020, continue until December 3, 2020, without prejudice to renewing the stay application if Plaintiff's criminal case is not resolved by that date. Thank you for your consideration herein.

Respectfully submitted,



LADONNA S. SANDFORD
Senior Counsel


cc: Michael Nieves
Plaintiff Pro Se
NYSID: 08896985-Z
B&C No. 8952000392
Bellevue Hospital Prison Ward
462 1st Avenue
New York, NY 10016

DECLARATION OF SERVICE BY MAIL

I, LaDonna S. Sandford, declare, pursuant to **28 U.S.C. § 1746**, under penalty of perjury that on August 31, 2020, I served the annexed Status Letter/Motion dated, August 31, 2020, upon the following plaintiff *pro se*, Michael Nieves, by depositing a copy of same, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to plaintiff at the address set forth below, being the address designated by plaintiff for that purpose:

Michael Nieves
NYSID: 08896985-Z
B&C No. 8952000392
Bellevue Hospital Prison Ward
462 1st Avenue
New York, NY 10016

Dated: August 31, 2020



LADONNA S. SANDFORD
Senior Counsel
Special Federal Litigation Division